

RICHARD J. HAYES, JR.

ATTORNEY AT LAW

13809 BLACK MEADOW ROAD  
GREENWOOD PLANTATION  
SPOTSYLVANIA, VIRGINIA 22553

PRACTICE LIMITED TO MATTERS BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

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(703) 972-7941

Federal Communications Commission  
Office of the Secretary

ADMITTED IN GEORGIA

May 6, 1992

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RE: Amendment to Construction Permit Application  
David L. Wolfe, Individual Applicant  
Brockport, New York (Channel 288A)  
FCC File No. BPH-901219MI  
MM Docket No. 92-61

Dear Ms. Searcy:

Transmitted herewith, on behalf of David L. Wolfe, through counsel, is an original and six (6) copies of an "Amendment" to his pending application for a new FM construction permit on Channel 288A at Brockport, New York.

In Paragraph 12 of the Hearing Designation Order (MM Docket No. 92-61), the Applicant was directed to amend his application. This "Amendment" fully complies with that "Order."

Should any questions arise with regard to this matter, please contact the undersigned, directly.

Respectfully submitted,

DAVID L. WOLFE

By: Richard J. Hayes, Jr.  
Richard J. Hayes, Jr., Esq.  
His Attorney

RJH:tb  
Enclosures

No. of Copies rec'd 076  
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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

In re Applications of:	)	
	)	
LRB BROADCASTING	)	File No. BPH-901218MI
	)	
DAVID L. WOLFE	)	File No. BPH-901219MI
	)	
ZENTRAM COMMUNICATIONS, INC.	)	File No. BPH-901220MG
	)	
For A Construction Permit For A	)	MM Docket No. 92-61
New FM Station on Channel 288A	)	
in Brockport, New York	)	

To: Honorable Richard L. Sippel  
Administrative Law Judge

PETITION FOR LEAVE TO AMEND

Comes now, David L. Wolfe, applicant in the above-captioned FM proceeding, through counsel, with this "Petition for Leave to Amend" his application for a new facility on Channel 288A at Brockport, New York.

Good cause exists for grant of this "Petition for Leave to Amend" and the acceptance of the attached "Amendment." Paragraph 6 of the Hearing Designation Order in MM Docket No. 92-61 directed David Wolfe to file an "Amendment" to his application with respect to how David Wolfe would protect workers on his tower from RF Radiation Exposure pursuant to 47 CFR 1.1307(b) and OST Bulletin No. 65, October, 1985, Evaluating Compliance With Specific Guidelines for Human Exposure to Radio Frequency Radiation.

The attached "Amendment" addresses the concerns raised in the Hearing Designation Order.

No party to this proceeding will be prejudiced by the grant of this "Petition for Leave to Amend" or by the acceptance of the attached "Amendment." In addition, no new parties or issues will have to be added to this proceeding. Therefore, good cause having been shown, it is respectfully requested that the Presiding Judge grant this "Petition for Leave to Amend" and accept the attached "Amendment."

Respectfully submitted,

DAVID L. WOLFE

By: Richard J. Hayes, Jr.  
Richard J. Hayes, Jr., Esq.  
His Attorney

Dated: May 6, 1992

Richard J. Hayes, Jr.  
Attorney at Law  
1359 Black Meadow Road  
Spotsylvania, VA 22553  
(703) 972-2690

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AMENDMENT TO CONSTRUCTION PERMIT APPLICATION  
DAVID L. WOLFE, APPLICANT  
BROCKPORT, NEW YORK (CHANNEL 288A)  
FCC FILE NO. BPH-901219MI  
MM DOCKET NO. 92-61

Federal Communications Commission  
Office of the Secretary

Please amend my application for a new FM construction permit on Channel 288A at Brockport, New York (FCC File No. BPH-901219MI) to include the attached Engineering Exhibit which addresses the concerns raised in Paragraph 6 of the Hearing Designation Order and as required by Paragraph 12 of the Hearing Designation Order in MM Docket No. 92-61.

Respectfully submitted,

BY  David L. Wolfe

CERTIFICATE OF SERVICE

I, Richard J. Hayes, Jr., hereby certify that copies of the foregoing were sent via first class mail, postage prepaid, or as otherwise indicated, to each of the following, on this 6th day of May, 1992.

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Chief, Data Management Staff  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Rm. 350  
Washington, D.C. 20554

Honorable Richard L. Sippel  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Washington, D.C. 20554

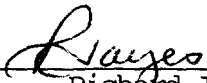
Arthur Belendiuk, Esq.  
Smithwick & Belendiuk, P.C.  
2033 M Street, N.W., Suite 207  
Washington, D.C. 20036  
Counsel to IRB Broadcasting

Chief, Hearing Branch  
Enforcement Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Suite 7212  
Washington, D.C. 20554

Stanley Emert, Esq.  
P.O. Box 52225  
Knoxville, Tennessee 37950  
Counsel to Zenitram  
Communications, Inc.

Chief, Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

\* VIA COURIER SERVICE

  
\_\_\_\_\_  
Richard J. Hayes, Jr.



CONSULTING COMMUNICATIONS ENGINEERS

1306 W. County Road F, St. Paul, MN 55112  
(612) 631-1338 • Fax (612) 631-3502

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Office of the Secretary

ENGINEERING EXHIBIT FOR  
AMENDMENT TO APPLICATION FOR FM  
CONSTRUCTION PERMIT  
DAVID WOLFE  
BROCKPORT, NEW YORK

CHANNEL 288

3 KW(H&V)

100 METERS

April 23, 1992

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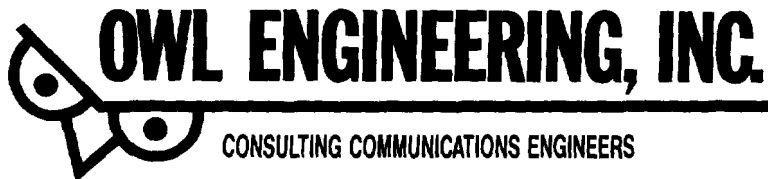
Federal Communications Commission  
Office of the Secretary

**CHANNEL 288 3 KW 100 METERS**

## **Engineering Statement**

This engineering exhibit was prepared in accordance with the Rules and regulations of the Federal Communications Commission on behalf of DAVID WOLFE (hereafter Wolfe) in support of an amendment to application for authority to construct an FM broadcast facility operating on channel 288 at BROCKPORT, NEW YORK. This engineering amendment is in response to the Hearing Designation Order requiring Wolfe to address RF radiation exposure to workers authorized access to the tower and what steps will be taken to limit exposure. This engineering exhibit will show compliance with ANSI RF exposure guidelines.

A search was made about the proposed site coordinates to locate any additional sources of RF radiation. No other sources were found.



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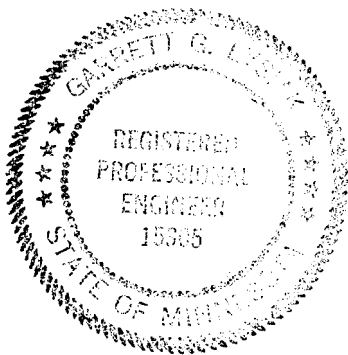
Federal Communications Commission  
Office of the Secretary

**CHANNEL 288 3 KW 100 METERS**

AFFIDAVIT

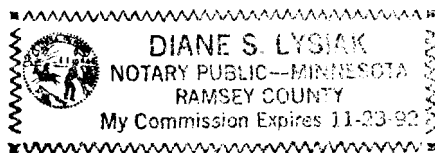
RAMSEY COUNTY                    )  
  )  
STATE OF MINNESOTA            )       ss:

Garrett G. Lysiak, being first duly sworn, says that he is president of Owl Engineering, Inc., consulting communications engineers with offices in Arden Hills, Minnesota: that his qualifications as an expert in communications engineering are a matter of record with the Federal Communications Commission: that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to information and belief and, as to those statements, verily believes them to be true and correct.



*Garrett G. Lysiak*  
Garrett G. Lysiak, P.E.

Subscribed and sworn to before me this date April 23, 1992.



*Diane S. Lysiak*  
Diane S. Lysiak  
Notary Public

My commission expires November 23, 1992